

Memorandum

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Subject: Area-Wide Soil Contamination Draft Focus Group Meeting Summary

Introduction

In April 2003, a project packet summarizing the Area-Wide Soil Contamination Project Task Force preliminary recommendations was developed to provide the public with an opportunity to review and comment. The packet provided an overview of the Area Wide Soil Contamination project and summarized the Task Force preliminary recommendations associated with: Nature and Extent of Area-Wide Soil Contamination; Broad-Based Education and Awareness Building; Child Use Areas; Residential Areas; Vacant Land; Commercial-Use Areas, Real Estate Disclosure; the Model Toxics Control Act (MTCA); Ecological Risk; and Additional Information.

In May 2003, five focus group meetings were held in Spokane, Wenatchee, Seattle and Yakima, to discuss the Task Force Recommendations and gather feedback on an interest-based stakeholder level. Those attending the focus group meetings included representatives from various city, county and state agencies, business associations, and development, industry, education, environment and neighborhood stakeholder groups. The following is a summary of the comments provided by these stakeholders at the five focus group meetings. Attached to this summary are the meeting notes from each of the five meetings, which include the names and affiliations of the meeting attendees.

Focus Group Meetings Summary

Several common themes emerged at all five meetings. The strongest theme was the need felt by most participants to adequately confirm and explain the existence of area-wide soil contamination, and the correlation between elevated lead and arsenic soil levels and the associated health risk. Most participants encouraged the use of existing public agencies, regulations, programs and staff to implement responses to area-wide soil contamination concerns; this was viewed as the most cost effective way to inform the public and ensure that responses were coordinated with similar ongoing education and enforcement activities. Finally, many of the meeting attendees felt that efforts should be made to identify potentially liable parties to help protect the interests and obligations of property owners and government. The following sections provide an overview of the comments provided relating to the specific Task Force preliminary recommendations.

Maps and Accompanying Information

Many of the focus group participants indicated that the maps recommended by the Task Force are vague and may not contain enough detail or specific information to be of real value. The majority of participants liked the flow charts and agreed that they were a better tool to use for this project and

recommended that they be presented so they would be relied on more. Additional comments and suggestions included:

- The maps need to use consistent units (e.g., parts per million, miles).
- The maps should provide more detail on the relative size of the potentially contaminated areas (e.g., include the total number of acres in each county on the Tier 1 orchard map to show relationship to the number of acres in orchard production).
- Where more detailed and specific information is known (e.g., smelter plume areas) it seems appropriate to rely on maps more and this information should then be provided to the public.

Broad-Based Education and Awareness Building Recommendations

Many of the focus group participants were in agreement on several topics when discussing Education and Awareness Building:

- The majority of meeting attendees indicated that the first step in this process should be to determine if and where soil contamination is occurring. Once contamination is found, broad-based public education and awareness building was strongly supported as the foundation of the response.
- Many of the participants were concerned about creating unnecessary alarm among state residents.
- Several groups emphasized the importance that those agencies distributing information be prepared to answer questions posed by the public.
- Meeting attendees were also widely in agreement on using existing programs and staff to help distribute information and provide education. For example, the Early Childhood Education Assistance Program and Headstart both provide education to educators, childcare providers and parents, and it was viewed that area-wide soil contamination education efforts should be integrated with their other ongoing education efforts. Additional variations of “don’t reinvent the wheel” were heard throughout the focus group meetings.
- The meeting participants indicted support for education to prevent exposure to children, the group most affected by and sensitive to lead contamination. In addition, it was recommended that other specifically affected groups should be targeted in an education effort, including, but not limited to, construction and remodeling contractors with exposure to soil, realtors, rental associations, teachers and parents.

Additional comments and suggestions regarding Education and Awareness included:

- Support was expressed for the creation of a toolbox with information to be used by the agencies and groups disbursing educational materials, along with the recommended step-wise approach.
- Support was also expressed for monitoring the effectiveness of the education to understand if the educational mechanisms are effectively changing behaviors and decreasing exposure.
- Some participants recommended that if contaminated areas are found, information on other potential contaminants of concern should be provided to add efficiency to the efforts.
- Special concern was noted in Spokane due to the close proximity to Kellogg, Idaho. Concern was raised that if elevated levels of lead and arsenic are found, there will be a direct association with the elevated lead levels in Kellogg. For this reason, it was recommended that educational materials distributed in the Spokane area should be consistent with the materials distributed in Northern Idaho.

Child-Use Areas Recommendations

There was overall agreement by focus group meeting participants on the importance of minimizing exposure of children to area-wide soil contamination. However, many participants indicated that 1) further soil testing is needed to “make the case” that area-wide soil contamination problems exists, and 2) additional information is needed regarding the correlation between elevated lead and arsenic levels and health risk.

Comments and suggestions regarding Child-Use Areas include:

- Participants agreed that parks and playgrounds are of special concern due to the number of children who spend time in these areas.
- Coordinating with the Office of the Superintendent of Public Instruction during new school construction was widely supported.
- The majority of attendees supported the development of a voluntary certification program for childcare providers. However, concern was raised about how this could affect these struggling small businesses and whether the cost would result in an adequate number of voluntary certifications and associated benefit. These concerns tended to result in the participants expressing support for increased education to childcares through existing local programs (e.g., State Training and Registry System (STARS)).
- It was indicated that childcare providers will need assistance if area-wide soil contamination is found at their facilities and recommended that these providers should not have to bear all of the associated expense.
- Several participants expressed additional concern about primary residences because children spend between 18 and 24 hours per day at their own homes.
- It was recommended by some of the participants that responses and actions should correlate with actual health risk. Adequate area-wide soil contamination information should be available (e.g., soil sampling results) to explain the concern and recommended actions to enable the public make informed choices.
- It was suggested by some of the participants that the amount of contact children have with soil from potentially effected areas should be considered when deciding whether to test soil (e.g., if a protective cover is in place, such as a plastic barrier, grass, or bark, there may not be a need to test soil).

Residential Areas Recommendations

Comments and suggestions included:

- The majority of the attendees agreed that if residential areas are contaminated, there is a need for education and information. It was suggested that ideally, everyone who owns affected property would be notified. And again, it was indicated by many of the participants that the focus and priorities should be health risk driven and that more actual evidence is needed on if and where contamination is present.
- Many participants recommended that the area-wide educational focus should be broadened to include information on all lead contaminate sources (e.g., lead based paint, home remedies) or be blended into existing educational efforts on these other lead sources.
- Again, concern was raised about shifting responsibility from potentially liable parties to individual property owners.
- Participants often expressed that while child use areas are the most important, similar measures should be taken in residential areas.

- Many participants indicated that consistent use of terms is needed in the Task Force recommendations (e.g., “likely” and “potentially”).

Vacant Land Recommendations

Comments and suggestions included:

- Most participants agreed that recommendations should align to work within existing regulations and processes when possible (e.g., controls for wind blown/fugitive dust are already required by local Air Pollution Control Authorities).
- Some participants indicated that they felt all areas proposed for new construction in area-wide zones should test the soil prior to construction and that soil sampling should be included as part of the permitting process.
- Some local agency representatives indicated that 1) the Department of Ecology should be available as a resource for local agencies regarding area-wide issues, and 2) regulatory authority should be kept at the state level and protocols and guidelines should be developed that could be applied at the local level.
- Use of the State Environmental Policy Act (SEPA) as a tool for identifying potentially contaminated areas seemed appropriate to most of the local agency participants. However, a concern regarding potential local agency liability through using the SEPA process was raised. And, it was expressed that local government will need tools and help.
- Some participants indicated that they felt clean cover is needed on vacant land not being developed.
- Some of the additional comments and concerns expressed during the meetings included:
 - Responsibility for notifications; should it be at the state or local level? Local agency representatives indicated that they would prefer it be at the state level, however, local notification may be needed for some activities (e.g., for utility construction state/Ecology may not be involved in a project proposal review).
 - Transportation of contaminated materials represents a concern (e.g., moving contaminated soil from Maury Island to Sea-Tac for the new runway expansion).
 - The role of the city and county planners was questioned.
 - A SEPA evaluation could trigger clean-up expenses that discourage development.

Commercial-Use Areas

The majority of focus group meeting participants supported the Task Force recommendations that no new requirements are needed in commercial use areas that are typically not frequented by children and tend to be covered with impervious surfaces or man-made materials.

Some of the additional comments and suggestions included:

- If the property is located in an area-wide zone, testing should be done before converting the property from commercial use to other uses.
- Planning and zoning commissioners should be involved, especially when the property is zoned for mixed use, to ensure that appropriate measures are taken for any child use facilities that may be constructed.
- Development of a real estate disclosure recommendation was generally supported by the meeting participants. However, local agency representatives raised concerns regarding local agency liability from certain types of disclosure (e.g., plat title statements).

Model Toxics Control Act (MTCA) Recommendations

Comments and suggestions included:

- Most attendees supported the development of an alternative to the traditional sites listing process for area-wide zones. Participants indicated that individual sites should only be added to the Confirmed or Suspected Contaminated Sites (CSCS) list if high levels of contamination are found, or if contamination is found that is not related to the defined area-wide type of contamination.
- Many of the participants expressed concern that an alternate MTCA process may provide a loophole for other types of contaminated sites and sites associated with smelting and pesticide application that have contamination levels beyond what is considered “low-to-moderate”.
- Many eastern Washington participants expressed concern that area-wide zones on the CSCS maps may be incorrectly perceived as having confirmed contamination and that this may have a negative impact on the local economies.
- Some of the additional comments and concerns expressed during the meetings included:
 - Boundaries of the area-wide zone should be refined as new information is gathered.
 - Mandatory testing during property transactions within area-wide zones was suggested.
 - It was suggested that properties should be listed where there is an identified plume, source of contamination, and an identified potentially liable party (PLP).
 - MTCA levels may need to be adjusted to avoid providing a backdoor or loophole from state regulations.

Ecological Risk Recommendations

The focus group participants did not discuss ecological risks enough to identify common themes in opinions or concerns.

Recommendations for Additional Information

The majority of focus group attendees questioned the need for the area-wide soil contamination project without additional verification of soil contamination and confirmation of a connection between soil concentration and health affects. Most of the participants supported the Task Force recommendation that the Department of Health expand their health monitoring program and some indicated that a more detailed scientific study is needed along with a cost/benefit analysis.

Comments and suggestions included:

- Identify the ages of greatest concern and provide parents with a list of potential health affects, or symptoms, so they are more prepared to respond.
- Investigate innovative technologies associated with soil to remediation (e.g., phyto-remediation).
- Make sure agencies are prepared to answer questions from the public before a program is initiated.
- The potential for adverse economic impact from raising the lead and arsenic area-wide contamination issue was raised numerous times.

Additional Comments and Concerns

A variety of additional items and concerns were discussed, some of these included:

- Questions were raised regarding how the final Task Force report be communicated to the broader public.
- It was recommended that Continuing Medical Education (CME) classes, offered in collaboration with the Department of Health, are needed to help inform doctors regarding what to look for and how to identify symptoms associated with lead and arsenic related health problems.
- The agencies and Task Force members that have spent so much time learning about the issue have a responsibility to do public outreach.
- “Low-to-moderate” contamination levels are not adequately defined.
- Concern regarding potential negative impacts on the sale of current agricultural products in area-wide zones was raised.
- Concerns regarding potential impacts on real estate sales were raised, including difficulty for local lenders to sell loan paper.
- Questions regarding how other areas in the country were dealing with area-wide issues were asked; not wanting to be a test case for the nation by establishing a new area-wide designation was expressed due to concerns about potential negative economic impacts.